

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Halmar Builders of NY, Inc.)	File No. EB-FIELDNER-12-00002384
Licensee of Radio Station WNJM609)	
Wappingers Falls, New York)	NOV No. V201232380019
)	
)	

NOTICE OF VIOLATION

Released: May 22, 2012

By the Acting District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to Halmar Builders of NY, Inc., licensee of Private Land Mobile Station WNJM609 in Ulster, New York.

2. On April 27, 2012, an agent of the Enforcement Bureau's New York Office conducted an investigation of Station WNJM609 located in Ulster, New York and found the following violation:

47 C.F.R. § 90.305(b) "Mobile units shall be operated within 48 Km. (30 mi.) of their associated base station or stations. Such units may not be operated aboard aircraft in flight except as provided for in §90.315(i)." The agent monitored and heard Station WNJM609 operating from the East Access Tunnel in Long Island City, New York, which is 127.4 Km. from the base station in Ulster, New York.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's rules, Halmar Builders of NY, Inc. must submit a written statement concerning this matter within twenty (20) calendar days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by an officer of the Township of Edison. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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New York Office
201 Varick Street, Suite 1151
New York, New York 10014

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to Halmar Builders of NY, Inc. at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Luis Salazar
Acting District Director
New York District Office
Northeast Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*